

ASI-101



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

A. MALISON

Serial No.: 10/068,887

Filed: February 11, 2002

For: SYSTEM, APPARATUS, AND
METHOD FOR FACILITATING
POINT-OF-SALE TRANSACTIONS

Art Unit: 3621

Examiner: SHERR, Cristina O.

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reconsideration of the rejections set forth in the Office

Action mailed February 24, 2005.

No extension of time or other fees are believed to be due, except as detailed in the attached documents. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account Number 50-1390.

Examiner Sherr is thanked for the courtesies extended to Applicant's representative during the telephone interview conducted May 19, 2005. The substance of that interview is incorporated into the following remarks.

In the Office Action mailed February 24, 2005, the Examiner rejected claims 1-64 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,226,618 to Downs et al. ("Downs"). Applicant respectfully traverses this rejection for the reasons set forth below.

As discussed in the interview, the present invention is directed to facilitating point-of-sale (POS) transactions and, in particular, to receiving orders from customers, especially in the context of full service restaurants. The claims of the present invention recite aspects of a POS system, including a handheld apparatus to record orders, user interfaces for the apparatus, and methods for receiving orders. At least one unique feature of these claims relates to the receiving of handwritten input that indicates items to be added to the order. Further unique features relate to the display of the items and the order, and to ways in which items are identified and selected to be added to the order. Through this novel handwritten input and specially configured displays and selection methods, the present invention provides an intuitive user interface for entering orders. Support for these recitations can generally be found in the present application at, for example, paragraphs [0039]-[0049] and [0058]-[0071] and Figures 3A and 3C.

As agreed in the interview, the Downs reference used to reject all of the claims under § 102 fails to teach or suggest at least the aspect of handwritten input that is recited in all of the independent claims of the present invention. Beyond that specific distinction, Down appears wholly unrelated to the scope of the claims of the present invention. Rather than facilitating the receipt of orders at point-of-sale, Downs discloses a system and related tools for the secure delivery and rights management of digital assets, such as print media, films, games, and music over global communications networks such as the Internet and the World Wide Web. Indeed,

Downs makes no reference whatsoever to user interfaces that receive orders and display items and selections, and to methods for receiving point-of-sale orders based on handwritten input, as is claimed in the present application.

As an example, in rejecting claim 1, the Examiner cites a single passage, column 3, lines 40-55, as disclosing a user interface having an input area adapted to receive handwritten input indicating an item to add to the order. This cited passage, however, discusses data encryption used to securely provide data to a user's system and makes no mention of a user interface for receiving an order, let alone an input area adapted to receive handwritten input. Similarly, the Examiner also cited only this passage (column 3, lines 40-55) in rejecting the other independent claims 16, 34, 41, 52, 58, and 61, which also recite the handwritten input feature. In view of at least this distinction, Applicant respectfully requests reconsideration of the present claims and issuance of a non-final office action or Notice of Allowance, as was agreed to in the interview.

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In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

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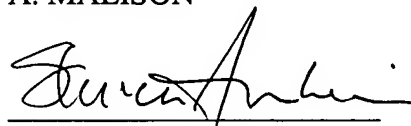
Date: May 23, 2005

SPA:kmh
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Respectfully submitted,

A. MALISON

By:



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